

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,
Plaintiff,

v.

C.A. NO. 05-CV-10879-JLT

COLUMBIA SUSSEX CORPORATION
d/b/a WESTIN CASUARINA HOTEL,
STARWOOD HOTELS & RESORTS
WORLDWIDE, INC., WESTIN LICENSE
COMPANY, WESTIN LICENSE
COMPANY NORTH, INC., WESTIN
MANAGEMENT COMPANY EAST,
WESTIN NORTH AMERICA
MANAGEMENT COMPANY, INC.,
GALLEON BEACH RESORT, LTD., and
CORPORATE DEFENDANTS X1-100,
Defendants.

**JOINT MOTION FOR CLARIFICATION
OF COURT ORDER**

The plaintiff and all defendants jointly move for a clarification of the Court's Order dated May 3, 2006 regarding the conduct of discovery in this case. In support of this motion, the parties say as follows:

1. In this case, the plaintiff alleges that she was sexually assaulted by a stranger in a restroom at the Westin Casuarina Hotel in Grand Cayman, and that this assault was the result of the defendants' negligent security practices.

At the Scheduling Conference held on May 2, 2006, the parties understood the Court to say that written discovery in the form of interrogatories and requests for production of documents would be permissible on the issue of the ownership of the property where the assault occurred, and that such discovery was to be completed by

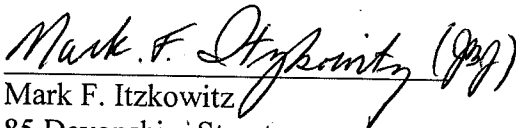
September 29, 2006. Discovery related to the alleged negligent security practices of the defendants was to be undertaken after the status conference scheduled for October 16, 2006. The Court also approved the recommendation of the parties that all discovery in this case is to be completed by September 30, 2007.

However, the May 3, 2006 Order issued by the Court refers only to the completion of written discovery by September 29, 2006, without limiting it to the issue of ownership. As a consequence, the plaintiff served interrogatories and requests for production of documents which addressed issues of both ownership and negligent security practices, in order to avoid being precluded from serving such discovery requests after September 29, 2006. Since the parties share the understanding that this initial phase of discovery focused only on the ownership of the property, they now request that the Court clarify the scope of its Order.

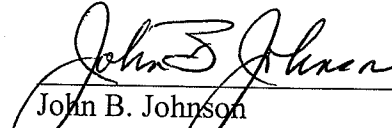
2. The parties also request that the Court extend until at least October 13, 2006 the deadline for the completion of discovery referenced at the May 2, 2006 Scheduling Conference. This extension is requested because there have been delays in the progress of this discovery resulting from insurance coverage issues relating to some of the "Westin" defendants. As a consequence, the "Westin" defendants have not yet produced the documents identified in their initial disclosures and the ownership issues have not progressed to the point where the depositions meaningfully can be conducted. These coverage issues were finally resolved on September 18, 2006. Attorneys Johnson and Brown, who currently represent defendant Columbia Sussex Corporation, are now filing an appearance for and will represent all defendants, while the former counsel for the Westin defendants is withdrawing from the case. With this change, it is anticipated

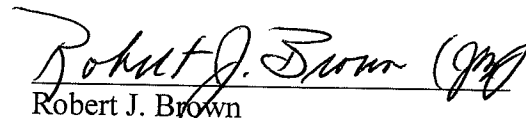
that all ownership issues will be clarified and the correct defendants identified by October 13, 2006, in advance of the status conference scheduled for October 16, 2006. In the alternative, the parties respectfully request that the Court continue the Status Conference to a date after October 16, 2006 and permit discovery regarding the ownership issues until the preceding business day.

The plaintiff,
by her attorney


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The defendants,
by their attorneys

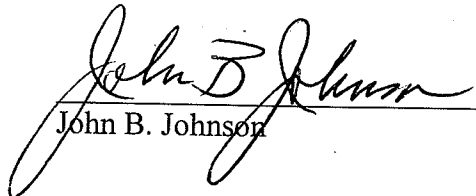

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Dated: September 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon counsel of record Mark Itzkowitz, 85 Devonshire Street, Suite 1000, Boston, MA 02109 and Stephen C. Bazarian, Seyfarth Shaw LLP, World Trade Center East, Two Seaport Lane, Suite 300, Boston, MA 02210-2028 by mail, postage pre-paid on September 20, 2006.


John B. Johnson